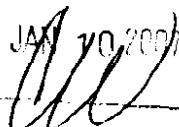


1: CV 07 0049

FILED  
SCRANTONJAN 10 2007  
PER  
DEPT. CLERK

IN THE UNITED STATES DISTRICT COURT

David E. Ricketts ) Docket No. \_\_\_\_\_  
 ) (To be supplied by the Clerk)

USFMCFFP - Springfield )  
 )  
 P.O. Box 4000 Springfield Missouri ) Plaintiff/Petitioner(s).  
 ) 65801 )  
 )  
 -vs- )  
 )  
 AW of Unicor Mr. Laws )  
 )  
 Millwright supervisor-Mr. Chesley(sic) )  
 )  
 Construction supervisor-Jay Young )  
 )  
 Weld-2 supervisor Mr. Kratzer(sic) )  
 )  
 Warden USP Lewisburg ) Defendant/Respondent(s). )  
 )

CIVIL RIGHTS COMPLAINT  
 pursuant to 42 U.S.C. §1983  
 (State Prisoner)

CIVIL RIGHTS COMPLAINT  
 pursuant to 28 U.S.C. §1331  
 (Federal Prisoner)

CIVIL COMPLAINT  
 pursuant to the Federal Tort Claims  
 Act, 28 U.S.C. §1346, 2671-2680

## L JURISDICTION

A. Plaintiff's mailing address and/or register number and present place of confinement.  
 David E. Ricketts #09486-040 medical center for federal prisoners-

Springfield P.O.BOX 4000 Springfield Missouri, 65801-4000

B. Defendant ASSISTANT WARDEN of Unicor Mr. Lewis is employed as  
 (Name of First Defendant)  
ASSISTANT WARDEN  
 (Position/Title)

with UNICOR - USP Lewisburg, P.O. Box 1000  
 (Employer's Name and Address)

Lewisburg PA 17837

At the time the claim(s) alleged in this complaint arose, was the defendant employed by the state, local or federal government?

Yes ( ) No ( )

If your answer is "yes", briefly explain:

ASSISTANT WARDEN of UNICOR, OVER SEES UNICOR'S WORKERS AND UP HOLDS ITS POLICIES

C. Defendant Mr. John Chesley (sic) is employed as  
(Name of Second Defendant)  
Millwright Supervisor,  
(Position/Title)  
with Unicor At USP (Lewisburg, PA).  
(Employer's Name and Address)

At the time the claim(s) alleged in this complaint arose, was the defendant employed by the state, local or federal government?

Yes (X) No ( )

If your answer is "yes", briefly explain:

Mr Chesley(sic) oversees all other Supervisors and chooses who does which jobs according to their specific abilities, including upholding Unicor-BOP policy.

D. Using the outline of the form provided, include the above information for any additional defendant(s).

- 1.) Construction Supervisor - Jay Young. His duty was to delegate work out to his crew's. Including, upholding BOP and Unicor policies.
- 2.) Weld 2 Supervisor Mr. Keith Kratzee(sic) This duty was to delegate which welders did which jobs. Including, upholding BOP and Unicor policies.
- 3.) Warden of USP Lewisburg during 2004

## II. PREVIOUS LAWSUITS

A. Have you begun any other lawsuits in state or federal court relating to your imprisonment?

Yes (X)

No ( )

B. If your answer to "A" is "yes", describe the lawsuit(s) in the space below. (If there is more than one (1) lawsuit, you must describe the additional lawsuits on another sheet of paper, using the same outline.) Failure to comply with this provision may result in summary denial of your complaint.

Yes - I went through all of the institutional remedies, also Workmans Compensation and a Tort claim.

1. Parties to previous lawsuits:  
Plaintiff(s) Defendant above, David Ricketts
2. Court (if Federal Court, name the District; if State Court, name the County)
3. Docket number \_\_\_\_\_
4. Name of Judge to whom case was assigned \_\_\_\_\_
5. Type of case (for example: Was it a Habeas Corpus or Civil Rights action?)
6. Disposition of case (for example: Was the case dismissed? Was it appealed? Is it still pending?)  
All were denied
7. Approximate date of filing lawsuit May 15, 2005
8. Approximate date of disposition Oct 23, 2006

### III. GRIEVANCE PROCEDURE

- A. Is there a prisoner grievance procedure in the institution? YES
- B. Did you present the facts relating to your complaint in the prisoner grievance procedure?  
Yes  No
- C. If your answer is "yes",
  1. What steps did you take? BP 8 1/2, 9, 10, 11. WORKMANS COMP  
AND A TURT CLAIM.
  2. What was the result? My BP's were denied as being untimely.  
My WORKMANS COMP was denied. My TURT CLAIM was denied  
because they said it was A WORKMANS COMP CLAIM.
- D. If your answer is "no", explain why not.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

E. If there is no prisoner grievance procedure in the institution, did you complain to prison authorities? Yes ( ) No ( )

F. If your answer is "yes",

1. What steps did you take? \_\_\_\_\_

\_\_\_\_\_

2. What was the result? \_\_\_\_\_

\_\_\_\_\_

G. If your answer is "no", explain why not. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

H. Attach copies of your request for an administrative remedy and the response(s) you received. If you cannot do so, explain why not:

I do not have the money to copy all of the documents but I do have them.

\_\_\_\_\_

#### IV. STATEMENT OF CLAIM

State here, as briefly as possible, the FACTS of your case. State who, what, when, where and how you feel your constitutional rights were violated. Do not cite cases or statutes. If you choose to submit legal arguments or citations, you must do so in a separate memorandum of law. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. If your claims relate to prison disciplinary proceedings, attach copies of the disciplinary charges and any disciplinary hearing summary as exhibits.

Only two (2) extra pages (8 1/2 x 11") are permitted, if necessary, to complete your statement of claim. Additionally, attach any relevant, supporting documentation.

On August 20, 2004 I was welding in the weld shop and was stabbed 23 times with a class A tool 3/8 in Phillips screwdriver, 22 of those times were all within a 1 inch area of my neck's spinal column which broke my neck in 2 places and killed half of my spinal cord between C-2,3 and 4 leaving me paralyzed on half of my body called a Brown Sequard injury. 1 stab was from the left my shoulder and punctured my lung. The scar tissue surrounding my spinal cord rub up against my spinal cord causing me great pain and now I suffer from spasms.

There are clear guidelines set forth concerning "class A" tools. A work order is needed to go from one shop to another and is supposed to be in a locked tool box until the

person with the work order gets to his destination where it is unlocked.

Otherwise, a correctional officer must accompany the inmate while using the class A tool.

Because I was not found for so long it is quite obvious that the 2 supervisors running the weld & shop failed to protect me or did their rounds.

Richard Vardanski (sic) was able to make it through 2 forced security doors, the millwright shop door and the metal warehouse door without a work order.

Because the weld & shop was just being started started up within a 3 week period, there were no security cameras installed.

While at the hospital I was asked questions by the FBI and told them that I was attacked from behind and didn't remember anything.

I was questioned repeatedly by different Lts on duty guarding me and they gave statements saying that Mr Vardanski (sic) bled me stamps and was saying "I told you I was going to fucking pay you punk".

I didn't make those statements or was drugged up to the point I didn't know what I was saying.

I was accused of having something to do with being beaten, which ended up in me being stabbed which was false.

The Rules that govern the use and supervision of a class A tool - 3/8 inch philips screwdriver were not followed and the defendants listed had the legal obligation to keep me from being stabbed with a class A tool.

Therefore I request a jury to decide.

**V. REQUEST FOR RELIEF**

State exactly what you want the Court to do for you. If you are a state or federal prisoner, and seek relief which affects the fact or duration of your imprisonment (for example: illegal detention, restoration of good time, expungement of records or parole release), you must file your claim on a Habeas Corpus form, pursuant to 28 U.S.C. §2254, 28 U.S.C. §2255, or 28 U.S.C. §2241.

I AM ASKING A SUM OF \$5,000,000.00 FOR THE NEGLIGENCE OF THE BOP FOR BEING PARALYZED FOR LIFE, PAIN AND SUFFERING, AND 70% OF MY GRADE 1 UNICOR PAY PLUS THE BACK 70% GRADE 1 UNICOR PAY FROM AUGUST 20, 2004, TO THE PRESENT. I ALSO SEEK MONTHLY PAYMENTS FOR THE LOSS OF THE ABILITY TO WORK.

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**VI. JURY DEMAND (check one box below)**

The plaintiff does  does not  request a trial by jury. (See Fed.R.Civ.P. 38.)

**DECLARATION UNDER FEDERAL RULE OF CIVIL PROCEDURE 11**

I, the undersigned, certify to the best of my knowledge, information, and belief, that this complaint is in full compliance with Rule 11(a) and 11(b) of the Federal Rules of Civil Procedure. The undersigned also recognizes that failure to comply with Rule 11(a) and (b) may result in sanctions, monetary or non-monetary, pursuant to Federal Rule of Civil Procedure 11(c).

The plaintiff hereby requests the Court issue all appropriate service and/or notices to the defendant(s).

Signed this 30 day of December, 2006.

Daniel Rukert  
Signature of Plaintiff

\_\_\_\_\_  
Signature of attorney, if any

Memorandum of Law

- 1.) This Courts Jurisdiction arrises under 28 USC 1346 (b). The venue is vested by 28 USC 1402 (b). A special duty is owed to plaintiff by the BOP pursuant to 28 USC 1346 (b)
- 2.) The BOP had forseeable knowledge of the risk posed to inmates yet took no measures to reduce this threat., resulting in Plaintiffs injurys. The BOP breached it's leagal duty to plaintiff and is liable under Federal Tort Law. Specifically, failure to protect failure to maintain a safe and secure work enviroment, failure to follow BOP standards for the use and movement of "Class A" tools.
- 3.) Plaintiff has complied with 28 USC 2401 (b) by filling his Tort Claim within the required two years. Plaintiff demanded a sum of \$5,000.000.00 and was denied claiming it fell under the guise of a workmans comp claim.
- 4.) Tort act 28 USC 2671 SEEKING COMPENSATION FOR PERSONAL DAMAGES incurred as a direct negligence of the BOP to supervise it's federal officers duties to maintain control of "Class A " tools and the movement of it's workers.

*RECEIVED  
SEARCHED  
SERIALIZED  
INDEXED  
JAN 10 2007  
PER [Signature]  
DOB [Signature]*

Richard Rakeles House - U.S.  
District States Medical Center - One - Sick and Prisoners - Springfield  
Massachusetts  
(218) 614-4600

DR. J. G.  
J. G.



Clerk of Court

Middle District of Penn.

William J. Nealon Federal Building

J.S. Courthouse

235 North Washington Ave.

P.O. Box 1148

Scranton Pa.

18501